

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KEVIN HART,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-08-1379
	§	
COMCAST OF HOUSTON, L.L.C.,	§	
Defendant.	§	

MEMORANDUM AND ORDER

This case is before the Court on Plaintiff Kevin Hart's Objections to Defendants' Bill of Costs [Doc. # 27], to which Defendants filed a Response [Doc. # 28]. Having reviewed the record and applied governing legal authorities, the Court exercises its discretion to allow the \$935.15 in costs requested by Defendants.


"[C]osts, other than attorneys' fees shall be allowed as of course to the prevailing party unless the district court otherwise directs" FED. R. CIV. P. 54(d)(1). Although the Court has discretion to deny costs to the prevailing party, "Rule 54(d)(1) contains a strong presumption that the prevailing party will be awarded costs." *Pacheco v. Mineta*, 448 F.3d 783, 793 (5th Cir. 2006) (citation omitted).

Plaintiff objects to an award of costs in this case because the deposition for which Defendants seek \$935.15 was a "rather routine litigative episode" and because Plaintiff was pursuing his Family Medical Leave Act claim in good faith. Routine

fees for deposition transcripts are specifically provided for as an element of taxable costs under 28 U.S.C. § 1920. The Fifth Circuit has held that a losing party's good faith is not a basis for denying costs to the prevailing party. *See Pacheco*, 448 F.3d at 795. Plaintiff's arguments do not persuade the Court to exercise its discretion against the strong presumption that costs should be awarded to Defendants as the prevailing party in this case. Accordingly, it is hereby

ORDERED that Plaintiff's Objections to Bill of Costs [Doc. # 27] are **OVERRULED**. Defendants are entitled to recover from Plaintiff their taxable costs in the amount of \$935.15.

SIGNED at Houston, Texas, this 26th day of March, 2009.



Nancy F. Atlas
United States District Judge